



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
999 18TH STREET- SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

DOCKET NO.: CWA-08-2006-0035

IN THE MATTER OF:)
)
SKYPARK AIRPORT ASSOCIATION, LLC.) **FINAL ORDER**
)
RESPONDENT)

Pursuant to 40 C.F.R. §22.18, of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondent is hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondent of this Consent Agreement and Final Order.

August 23, 2006

DATE

SIGNED

Elyana R. Sutin
Regional Judicial Officer

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

In the Matter of:)	
)	
)	
Skypark Airport Association, LLC)	EXPEDITED CONSENT AGREEMENT
)	
Respondent.)	DOCKET NO.: CWA-08-2006-0035

Complainant, United States Environmental Protection Agency, Region VIII, and Respondent, Skypark Airport Association, LLC, by their undersigned representatives, hereby settle the civil cause of action arising out of violations of the Spill Prevention Control and Countermeasures (SPCC) Plan regulations found during an inspection on June 8, 2005, and agree as follows:

The Clean Water Act (the Act), as amended, 33 U.S.C. § 1321(b)(6), authorizes the Administrator of EPA to assess administrative penalties against any person who violates the oil pollution prevention (SPCC) regulations, promulgated at 40 CFR Part 112 under Section 311(j) of the Clean Water Act, 33 U.S.C. § 1321(j). This authority has been properly delegated to the undersigned EPA official.

Respondent owns and/or operates an airport with fuel tanks, Skypark Airport Association, LLC, located at 1887 South 1800 West, Woods Cross, Utah.

Respondent admits its facility is subject to the SPCC regulations.

Respondent admits it failed to prepare and implement an SPCC Plan for its Skypark Airport as required by Section 311(j) of the Clean Water Act, 33 U.S.C. § 1321(j) in accordance with 40 C.F.R. part 112. Respondent has submitted an SPCC Plan for its Skypark Airport subsequent to the inspection and corrected technical violations identified during the inspection.

Respondent admits that EPA has jurisdiction in this proceeding.

Respondent waives its right to a hearing before any civil tribunal, to contest any issue of law or fact set forth in this agreement.

This agreement, upon incorporation into a final order, applies to and is binding upon EPA and upon Respondent and Respondent's heirs, successors and assigns. Any change in ownership or corporate status of Respondent, including but not limited to any transfer of assets or real or personal property, shall not alter Respondent's responsibilities under this agreement.

This Agreement contains all terms of the settlement agreed to by the parties.

Respondent consents and agrees to the assessment of a civil penalty of \$1,550.00, which, shall be paid no later than 30 days after the effective date of the Final Order by means of a cashier's or certified check, or by electronic funds transfer (EFT). If paying by check, the Respondent shall submit a cashier's or certified check, payable to "Environmental Protection Agency," and bearing the notations "OSLTF – 311" and the title and docket number of this case. If the Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

U.S. Environmental Protection Agency
P.O. Box 371099M
Pittsburgh, PA 15251

If the Respondent sends payment by a private delivery service, the payment shall be addressed to:

Mellon Client Service Center
ATTN: Shift Supervisor
Lockbox 371099M Account 9109125
500 Ross Street
Pittsburgh, PA 15262-0001

If paying by EFT, the Respondent shall transfer \$1,550.00 to:

Mellon Bank
ABA 043000261
Account 9109125

22 Morrow Drive
Pittsburgh, PA 15235

In the case of an international transfer of funds, the Respondent shall use SWIFT address
MELNUS3P.

The Respondent shall submit copies of the check (or, in the case of an EFT transfer,
copies of the EFT confirmation) to the following persons:

Tina Artemis, Regional Hearing Clerk (8RC)
U.S. EPA Region 8
999 18th Street, Suite 300
Denver, CO 80202-2466

and

Jane Nakad
Technical Enforcement Program (8ENF-UFO)
U.S. EPA Region 8
999 18th Street, Suite 300
Denver, CO 80202-2466

Respondent further agrees and consents that if Respondent fails to pay the penalty
amount as required by this agreement once incorporated into the final order, or fails to make the
corrective measures to obtain compliance as represented, this agreement is null and void, and
EPA may pursue any applicable enforcement options.

The undersigned representative of Respondent certifies that he/she is fully authorized to
enter into the terms and conditions for this agreement and to bind Respondent to the terms and
conditions of this agreement.

The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with
a request that it be incorporated into a final consent order.

Each party shall bear its own costs and attorneys fees in connection with this matter.

This Consent Agreement, upon incorporation into a final consent order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violations described in this agreement.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION VIII,
Office of Enforcement Compliance and Environmental Justice, Complainant.**

By : **SIGNED** Date: **8/22/06**
Elisabeth Evans, Director
Technical Enforcement Program
Office of Enforcement, Compliance and
Environmental Justice

Skypark Airport Association, LLC, Respondent.

By : **SIGNED** Date: **8-18-06**
Name: **Jerry L. Wood**
Title: **Manager**

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **EXPEDITED CONSENT AGREEMENT/FINAL ORDER** in the matter **SKYPARK AIRPORT ASSOCIATION, LLC., DOCKET NO.: CWA-08-2006-0035** was filed with the Regional Hearing Clerk on August 23, 2006.

Further, the undersigned certifies that a true and correct copy of the document was delivered to Michael Risner, Enforcement Attorney, U. S. EPA – Region 8, 999 18th Street, Suite 300, Denver, CO 80202-2466. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt requested on August 23, 2006, to:

Mr. Mel Rozema
Skypark Airport Association, LLC
1887 South 1800 West
Woods Cross, UT 84087

Regular Mail to:

U. S. Coast Guard
Commander
Finance Center (OGR)
U. S. Coast Guard
1430 A Kristina Way
Chesapeake, VA 23326

Telefaxed to:

U. S. Environmental Protection Agency
Cincinnati Finance Center
26 W. Martin Luther King Drive (MS-0002)
Cincinnati, Ohio 45268
513-487-2063

August 23, 2006

SIGNED

Tina Artemis
Regional Hearing Clerk

**THIS DOCUMENT WAS FILED IN THE REGIONAL HEARING CLERK'S OFFICE
ON AUGUST 23, 2006.**